

No. 04-00049 H6/BMK

## DEPOSITION OF PAUL A. LONDYNSKY - 5/12/2005

|  |   |
|--|---|
| <p>1 A I was the Director of Environmental Affairs.</p> <p>2 And before that, the vessel manager. And before that, I</p> <p>3 was chief officer on various Matson vessels.</p> <p>4 Q Okay. And what are your current job duties?</p> <p>5 A We have oversight of the safety and</p> <p>6 environmental quality, security, emergency response,</p> <p>7 crisis management, and spill response functions for the</p> <p>8 company.</p> <p>9 Q Okay. And that would be -- that would include</p> <p>10 the Matson Navigation vessels?</p> <p>11 A Yes.</p> <p>12 Q Okay. What about shoreside terminals?</p> <p>13 A We establish policy for the shoreside</p> <p>14 terminals. But when you're dealing with a shoreside</p> <p>15 function, such as a terminal where you have a</p> <p>16 significant number of employees really, safety becomes a</p> <p>17 line function, not an administrative function. So we</p> <p>18 have had our line superintendents actually being the</p> <p>19 safety officers, if you will, for the terminal.</p> <p>20 Q When you say line superintendents, what</p> <p>21 exactly do you mean by that?</p> <p>22 A The supervisor personnel of the terminal.</p> <p>23 Q The stevedore?</p> <p>24 A The management employees who manage or</p> <p>25 supervise the stevedores.</p> <p style="text-align: right;">6</p> | <p>1 Q Would you agree that Exhibit 1 is -- was Keahi</p> <p>2 Birch's job description at that time?</p> <p>3 A It appears that way, yes.</p> <p>4 Q Okay. And the document was drafted by you on</p> <p>5 June 6, 2000; is that right?</p> <p>6 A Apparently.</p> <p>7 Q Do you recall drafting the document?</p> <p>8 A I do recall drafting the document.</p> <p>9 Q Okay. Where it says specific</p> <p>10 accountabilities, do you see where it has number three,</p> <p>11 it says, "Coordinate Matson's terminal safety program in</p> <p>12 Hawaii with all applicable accident prevention programs,</p> <p>13 conduct periodic safety inspections at the terminals,</p> <p>14 and disseminate pertinent information to applicable</p> <p>15 departments"?</p> <p>16 Did those duties cover both the vessels and</p> <p>17 the shoreside part of the terminal?</p> <p>18 A No.</p> <p>19 Q What do they cover?</p> <p>20 A The shoreside part of the terminal.</p> <p>21 Q Okay. I'm going to mark the Matson Terminals,</p> <p>22 Inc., accident report from Mr. Meyer's accident as</p> <p>23 Exhibit 2 and put a copy of it in front of you.</p> <p>24 (Whereupon, Exhibit 2 was marked for</p> <p>25 identification.)</p> <p style="text-align: right;">8</p> |
| <p>1 Q Okay. Is your office in Oakland now?</p> <p>2 A Yes.</p> <p>3 Q Was Keahi Birch the Matson Navigation safety</p> <p>4 manager in Honolulu on October 1, 2002?</p> <p>5 A She was the Manager of Safety and</p> <p>6 Environmental Affairs.</p> <p>7 Q Okay. And did she report to you at that time?</p> <p>8 A She reported partly to me.</p> <p>9 Q And who else did she report to?</p> <p>10 A To the vice president -- or excuse me,</p> <p>11 President of Matson Terminals.</p> <p>12 Q Who is the President of Matson Terminals right</p> <p>13 now?</p> <p>14 A Mr. Gary North.</p> <p>15 Q And was he the President of Matson Terminals</p> <p>16 on October 1, 2002?</p> <p>17 A Yes.</p> <p>18 Q We'll call this Exhibit 1 to your deposition.</p> <p>19 This is a document that has been produced to me by</p> <p>20 Matson in this lawsuit as being Keahi Birch's job</p> <p>21 description as of October 1, 2002. I use that date,</p> <p>22 because that's the date of the accident.</p> <p>23 (Whereupon, Exhibit 1 was marked for</p> <p>24 identification.)</p> <p>25 BY MR. EASLEY:</p> <p style="text-align: right;">7</p>   | <p>1 BY MR. EASLEY:</p> <p>2 Q Have you ever seen that document in front of</p> <p>3 you before?</p> <p>4 A No.</p> <p>5 Q Okay. Do you see where there's a stamp at the</p> <p>6 top that says, "Received October 2, 2002"?</p> <p>7 A Yes.</p> <p>8 Q And then there's a signature. It says "by,"</p> <p>9 and then there's a signature.</p> <p>10 Do you see that?</p> <p>11 A Yes, sir.</p> <p>12 Q Do you know whose signature that is?</p> <p>13 A Yes.</p> <p>14 Q Who?</p> <p>15 A It's apparently Jimmy Zane.</p> <p>16 Q Who is Jimmy Zane?</p> <p>17 A Jimmy Zane is the safety manager for McCabe,</p> <p>18 Hamilton &amp; Renny in Honolulu.</p> <p>19 Q When Matson Terminals, Inc., prepares accident</p> <p>20 reports such as the one that's Exhibit 2, what is the</p> <p>21 routing of those reports?</p> <p>22 A Well, at this time --</p> <p>23 Q Well, actually, to be fair about the question,</p> <p>24 as of the time of Mr. Meyer's accident.</p> <p>25 A My understanding is that the supervisor is</p> <p style="text-align: right;">9</p>   |

## DEPOSITION OF PAUL A. LONDYNSKY - 5/12/2005

|  |  |
|--|--|
| <p>1 Q Which ones of those did you review?</p> <p>2 A Three of them. Do we have -- they're</p> <p>3 somewhere. One was dealing with stock tenders. Another</p> <p>4 one was dealing with -- what was the other one dealing</p> <p>5 with? I'm having trouble recalling.</p> <p>6 Q Are those documents part of the Matson</p> <p>7 Navigation Company Safety and Pollution Manual?</p> <p>8 A Several of them were.</p> <p>9 Q Were there any that were not part of the --</p> <p>10 A Yes.</p> <p>11 Q Which ones were not part of the Safety and</p> <p>12 Pollution Manual?</p> <p>13 A The stock tender one.</p> <p>14 (Whereupon, Exhibit 5 was marked for</p> <p>15 identification.)</p> <p>16 BY MR. EASLEY:</p> <p>17 Q I've put another document in front of you that</p> <p>18 I've marked Exhibit 5. It says Matson Navigation</p> <p>19 Company Safety and Pollution Manual. Title: Working</p> <p>20 Aloft. Effective date: July 5, 2000. And it's number</p> <p>21 C-01-190.</p> <p>22 And did you draft this document?</p> <p>23 A No.</p> <p>24 Q Okay. At the top it says, "Prepared by P.A.</p> <p>25 Londynsky."</p> <p style="text-align: right;">18</p>   | <p>1 A For Matson Navigation and subsidiaries.</p> <p>2 Q Okay. Would that include Matson Terminals,</p> <p>3 Inc.?</p> <p>4 A Well, we take it that it does, yes.</p> <p>5 Q Now, Keahi Birch is no longer the Matson</p> <p>6 Navigation safety manager in Honolulu; is that right?</p> <p>7 A That's correct.</p> <p>8 Q Who was she replaced by?</p> <p>9 A There's an open position to handle the safety</p> <p>10 function in Londynsky. At the moment I have sent</p> <p>11 Jonathan Sims, our current Manager of Safety and</p> <p>12 Compliance, to fill that position until we can recruit a</p> <p>13 candidate.</p> <p>14 Q Is that S-i-m-s?</p> <p>15 A Yes.</p> <p>16 Q So he's filling that position on an interim</p> <p>17 basis?</p> <p>18 A Yes.</p> <p>19 Q Is he based in Oakland or was he based in</p> <p>20 Oakland?</p> <p>21 A He had been -- he's permanently domiciled in</p> <p>22 Oakland. He's on a six-month temporary assignment to</p> <p>23 Honolulu.</p> <p>24 Q Does Matson Terminals, Inc. have a safety</p> <p>25 manager in Honolulu right now?</p> <p style="text-align: right;">20</p> |
| <p>1 If you didn't draft it, why does it say,</p> <p>2 "Prepared by P.A. Londynsky"?</p> <p>3 A Well, Mr. Easley for the same reason that you</p> <p>4 might have an associate prepare a brief for you, I have</p> <p>5 a staff of people that work for me, and these go out</p> <p>6 under my signature.</p> <p>7 Q Okay. And was Exhibit 5 in effect as of</p> <p>8 October 1st, 2002?</p> <p>9 A Well, again, we have a lot of revisions on a</p> <p>10 lot of different procedures, so I have no personal</p> <p>11 knowledge that this particular document was the one that</p> <p>12 was in effect.</p> <p>13 Apparently -- it looks like it could be, but I</p> <p>14 don't know for sure.</p> <p>15 Q To your knowledge, did the crew of the LIHUE</p> <p>16 prepare any documents concerning Mr. Meyer's accident?</p> <p>17 A I don't have any knowledge of them.</p> <p>18 Q Is Matson Terminals a wholly owned subsidiary</p> <p>19 of Matson Navigation?</p> <p>20 A I don't know what the legal relationship is</p> <p>21 between the two companies.</p> <p>22 Q Your job title, which is Director of Safety,</p> <p>23 Quality &amp; Environmental Affairs, are you the director of</p> <p>24 safety, quality and environmental affairs for both</p> <p>25 Matson Navigation and Matson Terminals, Inc.?</p> <p style="text-align: right;">19</p> | <p>1 A Well, that's the -- that's the position that</p> <p>2 Jonathan is filling for Matson Terminals.</p> <p>3 Q Okay. Who's his employer?</p> <p>4 A Again, he's still employed by Matson</p> <p>5 Navigation, but he has been detailed to be the safety</p> <p>6 manager at Sand Island for Matson Terminals for the next</p> <p>7 six months.</p> <p>8 Q When an accident occurs on a Matson vessel, is</p> <p>9 some type of report prepared pursuant to the ISM Safety</p> <p>10 Code?</p> <p>11 A If it's an accident that involves ships</p> <p>12 personnel or that the vessel is aware of, then the ship</p> <p>13 will generally prepare an accident report.</p> <p>14 Q Did that occur in Mr. Meyer's case?</p> <p>15 A I don't know.</p> <p>16 Q Who would know?</p> <p>17 A I would assume that the claims department</p> <p>18 would know.</p> <p>19 Q Which claims department?</p> <p>20 A Matson.</p> <p>21 Q Matson Navigation?</p> <p>22 A Yeah.</p> <p>23 Q Are you what's called the ISM designated</p> <p>24 person for Matson Navigation?</p> <p>25 A Yes.</p> <p style="text-align: right;">21</p>       |

## DEPOSITION OF PAUL A. LONDYNSKY - 5/12/2005

|   |           |
|---|-----------|
| <p>1</p> <p>2</p> <p>3 Pursuant to SECTION 2025(q)(1) of the Code of Civil</p> <p>4 Procedure of the State of California, I hereby certify</p> <p>5 that I have read my deposition, made those changes and</p> <p>6 corrections I deem necessary, and approve the same as</p> <p>7 now written.</p> <p>8 Dated this ____ day of _____, 2004.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   | <p>34</p> |
| <p>1 STATE OF CALIFORNIA )</p> <p>2 ) ss.</p> <p>3</p> <p>4 I, MELISSA ROEN WILLIAMS, Certified Shorthand</p> <p>5 Reporter for the State of California, hereby certify</p> <p>6 that the witness in the foregoing deposition,</p> <p>7 PAUL A. LONDYNSKY,</p> <p>8 was by me duly sworn to tell the truth, the whole truth,</p> <p>9 and nothing but the truth in the within-entitled cause,</p> <p>10 and that the foregoing is a full, true, and correct</p> <p>11 transcript of the proceedings had at the taking of said</p> <p>12 deposition, reported to the best of my ability and</p> <p>13 transcribed under my direction.</p> <p>14</p> <p>15</p> <p>16 Date: May 29, 2005</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>35</p> |